

# **EXHIBIT A**



## CITY OF PHILADELPHIA

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

Stephanie Tipton  
Chief Administrative Officer

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(215) 686-5267  
FAX (215) 686-6537

### MEMORANDUM

To: All City Employees

From: Stephanie Tipton, Chief Administrative Officer *SFT*  
Michael Zaccagni, Human Resources Director *MZ*

Date: August 11, 2021

### **Subject: COVID-19 Vaccination and Masking Requirements for City Employees**

The COVID-19 vaccine significantly decreases the chance of getting COVID-19 disease and is very effective at preventing hospitalization and death. To mitigate the spread of COVID-19 among our workforce and to further protect the public, the City of Philadelphia is issuing the following policy.

Applies to:

- All City employees

Effective Date:

- August 11, 2021: Indoor Masking Mandate
- September 1, 2021: Vaccination and Additional Masking Requirements

Protocols:

#### *General Overview*

- Effective August 11, 2021 at 12 p.m.:
  - In public areas of City buildings, all City employees and members of the public will be required to wear a mask regardless of vaccination status pursuant to an indoor mask mandate issued by the Philadelphia Public Health Department. Fully vaccinated staff will need to only wear one mask. In areas that are not open to the public, fully vaccinated staff do not need to wear masks. Unvaccinated staff will be required to be double-masked at all times when they are in an enclosed area with others.
- 
- By September 1, 2021:
  - Every new employee shall be vaccinated as a condition of employment. Proof, in the form of an official vaccination card or other appropriate medical documentation which demonstrates that the employee has completed their schedule of COVID-19 vaccinations shall be provided to the Appointing Authority prior to the employee's employment start date. Employees having received one dose of a two-dose series prior to their start date shall have 30 days following their start date to complete their schedule of vaccinations. Prior to completing their vaccination schedule, the new employees will be required to follow the mask requirements

detailed below for unvaccinated employees. Exemption requests to this vaccination requirement will be assessed on an case-by-case basis.

- All current employees must provide proof, in the form of an official vaccination card or other appropriate medical documentation, that they've completed their schedule of COVID-19 vaccinations, or comply with enhanced masking requirements as detailed below. A copy of an employee's medical documentation of their vaccination status shall be uploaded in OnePhilly through Employee Self-Service or presented to the employee's HR manager by this date.
- Employees shall earn 4 hours of special compensatory time once they provide this proof.
  - Please note that this benefit does not apply to uniformed employees or those covered by binding interest arbitration.
- Any employee who has failed to provide proof of vaccination status or is unvaccinated shall wear one cloth mask over a surgical mask. Masks may be removed while the employee is in a room alone with the door closed or while eating and drinking at least 6 feet from others, as well as outdoors.
- If the employee is unable to obtain the surgical masks required by this policy, they shall be provided by the City of Philadelphia.
- Unvaccinated employees with disabilities that prevent them from wearing a mask should discuss with their Appointing Authorities potential reasonable accommodations for the masking requirement.
- The City reserves the right to require unvaccinated employees to participate in regular COVID-19 testing in the future.
- Any employee found to not be in compliance with the requirements of this policy shall face discipline up to and including termination.
- At any time after September 1, 2021, an employee may still provide medical documentation that they've completed their schedule of COVID-19 vaccinations. Two weeks following their final dose, the employee will no longer be required to wear the additional respiratory protection required by this policy, although single masks will still be required in public areas.
- This policy does not supersede any vaccine mandates that may be required under Federal, State, or local law.

#### *Vaccination*

- Vaccination remains one of the most effective ways for us to mitigate the spread of COVID-19 in the workplace.
- Vaccination locations are widely available throughout Philadelphia. To find a location most convenient to you, please visit the Department of Public Health's website [HERE](#).
- If an employee has lost their COVID-19 vaccination card, they may request a copy of their immunization record by emailing [COVID@phila.gov](mailto:COVID@phila.gov), or by calling (215) 685-5488.

# **EXHIBIT B**

# CITY OF PHILADELPHIA

## *Mayor's Office*



***James R. Engler***

Chief of Staff  
204 City Hall  
Philadelphia, PA 19107  
Phone: (215) 686-7508  
Fax: (215) 686-2555

### INTEROFFICE MEMORANDUM

**TO:** A-Team; All Exempt and Non-Represented Employees  
**FROM:** James R. Engler  
**DATE:** October 22, 2021  
**SUBJECT:** COVID-19 Vaccination Requirements for Exempt and Non-Represented City Employees

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Philadelphia has worked hard to turn back COVID-19, and we have had success in doing so through our shared commitment to safety protocols, including vaccinations. However, that fight is not over, and the safe and effective COVID-19 vaccines remain our best weapon in this ongoing struggle.

Based on the continued impact of the pandemic and acknowledging that vaccinations are the primary tool to reduce spread, on August 11, 2021, [we announced](#) that all new employees starting on or after September 1<sup>st</sup> must be vaccinated as a condition of their employment and established additional masking requirements for current employees who remain unvaccinated after this date. Further, on August 16, 2021, the Board of Health for the City of Philadelphia issued an [Emergency Regulation Governing the Control and Prevention of COVID-19 Mandating Vaccines for Healthcare Workers and In Higher Education, Healthcare, and Related Settings](#).

**Given this mandate, and to further protect our workforce and the public we serve, we are extending these vaccination requirements to all current exempt and non-represented City employees effective December 1, 2021.**

**Accordingly, for you to continue working in your present position, you must be fully vaccinated or have been granted an exemption to the vaccination requirement, as detailed below, by December 1, 2021.**

Employees who fail to comply with the mandate will be considered unable to perform their duties, will be informed they may no longer report for work, and carried on unpaid status for up to fifteen days. At the end of that period, if those employees have not received at least one dose of a COVID-19 vaccine, they will be separated from employment. Employees who begin their schedule during this period will be given an appropriate length of time to complete that schedule as determined by the type of vaccine and will be required to double mask or wear an appropriate N95 or equivalent and participate in the testing requirements detailed in this policy until the vaccination schedule is complete. Should the employee fail to complete the schedule in the time frame provided, they will be separated from employment.

Compliance with this policy is a requirement for continued employment in your position. Please keep in mind that if you are not fully vaccinated on December 1, 2021, you must continue to follow all safety protocols applicable to unvaccinated individuals, as described by this policy.

### **Exemptions**

An individual may not simply opt out of vaccination. However, this policy does provide for religious or medical exemptions. Employees wishing to request such an exemption may request the appropriate exemption forms from their departmental human resources professional. The exemption request must be submitted to the Employee Relations Unit with sufficient time for the exemption to be reviewed and granted prior to December 1, 2021. The Employee Relations Unit will determine if an exemption applies, and when circumstances necessitate, consult with the appointing authority on such determination. An employee granted an exemption must strictly follow the applicable accommodations.

An employee granted a religious or medical exemption must strictly follow all safety protocols in place for unvaccinated individuals, which will include double-masking or wearing an appropriate N95 or equivalent and submitting to routine testing at a frequency and manner to be determined by the City of Philadelphia in consultation with your Appointing Authority. The City will provide additional information to affected individuals on how to comply with all applicable safety protocols.

The COVID-19 vaccines have been the subject of significant public discourse since their creation, and the City realizes that some of its employees remain uncomfortable with vaccinations. However, evidence has demonstrated that all three currently-approved<sup>1</sup> COVID-19 vaccines are safe and effective at preventing serious illness<sup>2</sup>. As public servants, we bear a responsibility to mitigate the harm that would result from inadvertent transmission of COVID-19 to our colleagues and the public. We owe it to them—and to ourselves—to do all we can to keep us all safe. This requirement is one more step in that direction.

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<sup>1</sup> Food and Drug Administration. (2021, October 15). COVID-19 Vaccines. Retrieved from Food and Drug Administration Website: <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>

<sup>2</sup> Centers for Disease Control. (2021, October 12). Safety of Covid-19 Vaccines. Retrieved from Centers for Disease Control Website: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html>

# **EXHIBIT C**

# City of Philadelphia

## **Request for Religious Exemption from COVID-19 Vaccination** **(Please print legibly)**

Name: \_\_\_\_\_

Department: \_\_\_\_\_ Unit: \_\_\_\_\_

Supervisor: \_\_\_\_\_

The City of Philadelphia's mandate regarding the COVID-19 vaccination, may allow for a religious or sincerely held belief exemption if:

- (i) **the employee holds a religious or sincerely held belief which is not necessarily based on a religious tenant which are contrary to the practice of vaccination,**
- (ii) **completes this form, and**
- (iii) **provides the required personal statement and documentation (if applicable) to support the exemption request.**

The City of Philadelphia is committed to providing a safe, inclusive, and supportive experience for all and recognizes and protects an employee's religious or **sincerely held belief** as it pertains to the practice of vaccination. Religious exemptions must be requested annually

Individuals with an approved exemption will be required to comply with COVID-19 testing and other preventive requirements as specified in the exemption approval and as may be updated by later policies. These requirements may be amended in order to protect all members of the communities we serve.

This request will be reviewed, approval is not guaranteed. After your request has been reviewed and processed, you will be notified, in writing, if an exemption has been granted or denied. The decision is final and not subject to appeal.

Religious exemption process:

- Complete and sign the following page of this form;
- Complete and submit the Personal Statement outlining your justification;
- You may have your religious leader submit the Religious Organization Statement Form; this is not a requirement to have your exemption considered
- Submit the completed documents.

**Once you have completed this document, submit, along with all documentation, to the Employee Relations Unit by emailing to [EmployeeVax@Phila.gov](mailto:EmployeeVax@Phila.gov) or provide to your HR Manager**

*Incomplete submissions will not be reviewed.*



# City of Philadelphia

**Print Name:** \_\_\_\_\_

**Religion:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Contact Number:** \_\_\_\_\_

Initial next to each of the statements below:

I request exemption from the COVID-19 vaccination requirement due to my sincere religious beliefs.	
I assume the risks of non-vaccination.	
I accept full responsibility for my health.	
I will comply with assigned COVID-19 testing requirements and other preventive guidance and requirements for unvaccinated individuals.	

Please provide a personal written statement detailing your religious or sincerely held belief for requesting a vaccination exemption, and explaining why you are requesting this exemption, the principle(s) that guide your informed consent to request a vaccination exemption, and the basis that prohibits the COVID-19 vaccination. Describe the nature of your objection to the COVID-19 vaccination requirement; how complying with the requirement substantially burdens your religious exercise or belief; and how long have you held the religious and/or sincere belief underlying your objection. Provide an attachment should the space provided below be insufficient and any documents you wish to support your request.

I hereby certify that the statement provided is true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by statute or ordinance." Any intentional misrepresentation may result in legal consequences, including termination or removal from employment with the City of Philadelphia.

Signed \_\_\_\_\_

Date \_\_\_\_\_

# City of Philadelphia

## **Request for Medical Exemption from COVID-19 Vaccination** **(Please print legibly)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Employee #: \_\_\_\_\_ Department: \_\_\_\_\_  
Unit: \_\_\_\_\_ Supervisor: \_\_\_\_\_

The City of Philadelphia's mandate regarding the COVID-19 vaccination may allow for a medical exemption if they have obtained a medical exemption from their health care provider. Medical exemptions must include;

- a statement signed by a licensed healthcare provider that states the exemption applies to the specific individual submitting the certification
  - a **"licensed healthcare provider" is defined as a physician, certified nurse practitioner, or physician assistant licensed by an authorized state licensing board.**
- specific reason why the COVID-19 vaccine is medically contraindicated for the individual.

**Medical exemptions must be requested annually.** If approved, the exemption will remain in effect for one year. Individuals with approved exemptions may request to recertify exemptions each year.

Individuals with an approved exemption will be required to comply with additional preventive requirements as specified in the exemption approval. These requirements may be amended in order to protect all members of the communities we serve.

This request will be reviewed, approval is not guaranteed. After your request has been reviewed and processed, you will be notified, in writing, if an exemption has been granted or denied. The decision is final and not subject to appeal. Individuals are permitted to reapply if new documentation and information should become available.

**Important Note:** Please note that requesting a medical immunization exemption does not equate to a workplace medical accommodation.

Medical exemption process:

- **Complete and sign the following page(s) of this form**
- **Complete the Personal Statement Form**
- **Submit a certification signed by a licensed healthcare provider as defined above.**
- **Include facts explaining why the exemption applies to the specific individual submitting the certification because the vaccine is contraindicated for the specific individual**
- **Submit all the completed documents**

*Incomplete submissions will not be reviewed. Be sure all forms and documentation are submitted at the same time.*

# City of Philadelphia

**Print Name:** \_\_\_\_\_ **Employee #:** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Department:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Contact Number:** \_\_\_\_\_

**Initial next to each of the statements below:**

I request exemption from the COVID-19 vaccination requirement due to a medically contraindicated reason.	
I understand and assume the risks of non-vaccination and accept full responsibility for my health.	
I certify the medical documentation attached is, to the best of my knowledge, accurate and correct.	
I understand that as I am not vaccinated, to protect my own health and the health of the community, I will comply with assigned COVID-19 testing requirements and other preventive guidance for unvaccinated individuals.	
I acknowledge there may be disciplinary action if any of the information I provided in support of this exemption is false.	

☐ By checking this box and typing/print my name above, I understand and agree that I am submitting this document electronically and this it is the legal equivalent of having placed my handwritten signature on the submitted document.

The individual must also acknowledge the information on the exemption request is true and accurate. Section 1-108 of the Philadelphia Code uses the following language:

**"I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by statute or ordinance."**

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Accommodations for Exemptions

Employees granted an exemption must comply with requirements set forth by the department including the following:

- 1. Routine Testing:** Exempt individuals must be tested by a PCR test or an antigen test for COVID-19 at least twice (2x) per week. The two tests should be spread out appropriately over the week, but there is not a required time interval to account for varying schedules.

**Once you have completed this document, submit, along with all documentation, to the Employee Relations Unit by emailing to [EmployeeVax@Phila.gov](mailto:EmployeeVax@Phila.gov) or provide to your HR Manager**

# **EXHIBIT D**

## FAQ Contents

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## Overview of Vaccination Mandate

### **Why is the City implementing this vaccination mandate?**

Philadelphia has worked hard to turn back COVID-19, and we have had success in doing so through our shared commitment to safety protocols, including vaccinations. However, that fight is not over, and the safe and effective COVID-19 vaccines remain our best weapon in this ongoing struggle. Based on the continued impact of the pandemic and acknowledging that vaccinations are the primary tool to reduce spread, on August 11, 2021, [we announced](#) that all new employees, starting on or after September 1<sup>st</sup>, must be vaccinated as a condition of their employment. Further, on August 16, 2021, the Board of Health for the City of Philadelphia issued an [Emergency Regulation](#) mandating vaccines for Healthcare Workers and in Higher Education, Healthcare, and related settings.

As public servants, we bear a responsibility to mitigate the harm that would result from inadvertent transmission of COVID-19 to our colleagues and the public. We owe it to them—and to ourselves—to do all we can to keep us all safe, which is why we continue to expand and strengthen vaccination requirements for all of our City employees and on October 22, 2021 issued this newest vaccination mandate for our exempt and non-represented workforce. A link to the full policy can be found [HERE](#).

### **What employees are covered by the vaccination mandate?**

City employees who are Civil Service non-represented or Exempt are covered by this mandate.

### **When does this vaccination mandate go into effect?**

The vaccination mandate goes into effect on December 1, 2021.

**Vaccination Mandate for Exempts & Non-Represented City Employees**

**Does this vaccination mandate apply to employees in independently elected offices, such as City Council or District Attorney's Office?**

This policy does not apply to independently elected offices; however, it is our hope that these offices will extend this policy to all of their exempt and non-represented employees.

**Do I need to be fully vaccinated by the effective date of the mandate?**

Yes or, if you are not fully vaccinated, you've been granted either a medical or religious exemption to the vaccination requirements by December 1<sup>st</sup>. Fully vaccinated means you've completed the vaccination series and you've provided proof of your vaccination status in OnePhilly (as described below) by December 1<sup>st</sup>. So, in the case of a two-dose vaccination series, you've received both doses by December 1<sup>st</sup> and you've logged your vaccination status in OnePhilly

**If I work from home, do I still need to be fully vaccinated by December 1<sup>st</sup>?**

Yes. This requirement applies to all exempt and non-represented employees regardless of the location of their work.

**What if I don't get vaccinated nor am granted an exemption to the requirements by December 1<sup>st</sup>?**

Any employee who has either not been fully vaccinated (which includes uploading their vaccination status as described above in the OnePhilly system) OR been granted an exemption to the vaccination requirements by December 1<sup>st</sup>, will be considered unable to perform their duties, will be informed they may no longer report for work, and will be carried on unpaid status for up to fifteen business days. At the end of that period, if those employees have not received at least one dose of a COVID-19 vaccine, they will be separated from employment since they no longer meet the requirements of their job assignment. Employees who begin their schedule during this period will be given an appropriate length of time to complete that schedule of vaccines, as determined by the type of vaccine, and will be required to double mask or wear an appropriate N95 or equivalent as well as participate in regular testing until the vaccination schedule is complete. Should the employee fail to complete the schedule in the time frame provided, they will be separated from employment.

**I'm fully vaccinated but haven't received a booster shot yet. Will that impact my employment with the City if I've not received my booster by December 1<sup>st</sup>?**

At this time, the City is not requiring employees to receive a booster shot as part of this vaccination mandate. However, we strongly encourage any employee who is fully vaccinated and is eligible to receive a booster, to do so.

## Vaccination Mandate for Exempts & Non-Represented City Employees

### Will my vaccination status be used to make decisions about my employment?

Being vaccinated will be a condition of employment for all exempt and non-represented employees after December 1, 2021. However, if you are granted a religious or medical exemption from the vaccination requirement, your vaccination status will in no way influence decisions related to your work assignments or promotional opportunities.

### Will I be granted excused time to get vaccinated or if I have any side effects from my vaccination?

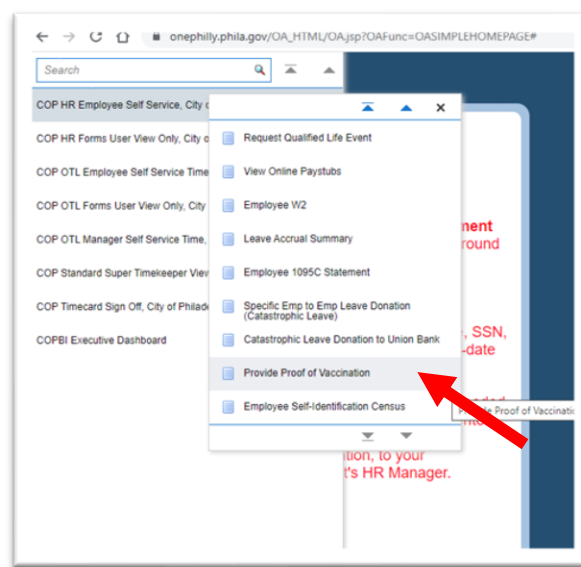
No, but vaccinated employees will receive 4 hours of comp time upon entering proof of vaccination into One Philly.

If an employee experiences an adverse reaction to the vaccine, they should report the issue to their HR or safety representative and seek treatment through the appropriate comp clinic for the duration of the reaction.

## Providing Your Vaccination Status in OnePhilly

### How do I provide proof that I've been vaccinated?

You can provide proof that you've been vaccinated in one of two ways. First, you can upload a picture of your vaccination card or other medical documentation (i.e., a certified letter from a medical practitioner who administered your vaccine) through [Employee Self-Service \(ESS\)](#) under "Provide Proof of Vaccination" in the OnePhilly system – this can be accessed from your work or home computer as well as your mobile device. Instructions on how to do this can be found [HERE](#).



## **Vaccination Mandate for Exempts & Non-Represented City Employees**

Second, you can provide proof of your vaccination status to your HR Manager, who also has the ability to upload this information, on your behalf, to the OnePhilly system.

Employees will receive 4 hours of compensatory time once they've uploaded their vaccination status to the OnePhilly system.

### **I'm concerned about sharing my vaccination card in OnePhilly. Is my information secure and who has access to this information?**

Yes, only authorized employees have access to records held in One Philly, such as the departmental HR Manager. An employee's immediate supervisor or manager will be informed if their specific employees must double-mask or be tested but they do not have access to vaccination information in OnePhilly.

## **Exemptions to the Vaccination Requirements**

### **How do I request a medical or religious exemption to the vaccination mandate?**

Employees wishing to request either a medical or religious exemption from COVID-19 vaccination must complete and submit the appropriate exemption request forms. You may request these exemption forms from your departmental human resources professional. The completed exemption request must be submitted to the Employee Relations Unit within the City's Department of Labor by November 22, 2021 to allow for enough time for the exemption to be reviewed and granted prior to December 1, 2021. The Employee Relations Unit will review your exemption request and determine if an exemption applies. When circumstances necessitate, they will work with the appointing authority on this determination.

### **I've been granted an exemption to the vaccination requirements. What safety protocols will I be required to follow?**

First, you will be required to double-mask (one cloth mask over a surgical mask) or wear an appropriate N95 or equivalent. Second, you will also need to participate in routine testing at a frequency and manner to be determined by the City of Philadelphia in consultation with your Appointing Authority. We will work with employees granted exemptions as well as the employee's department, to determine what safety protocols are appropriate. Protocols can change based on recommendations from the Health department or Risk Management.

## **Information about the COVID-19 Vaccine**

### **I'm worried about the safety of the vaccination. Where can I find more information about COVID-19 vaccines?**



## Vaccination Mandate for Exempts & Non-Represented City Employees

We recognize that the COVID-19 vaccines have been the subject of significant public discourse since their creation and that some of our employees remain uncomfortable with vaccinations. However, evidence has demonstrated that all three currently-approved COVID-19 vaccines are safe and effective at preventing serious illness.

It is important to review information about the vaccines that come from credible sources and contain content that is researched, written and approved by subject matter experts like physicians, researchers, epidemiologists and contain peer-reviewed science.

Some examples of such sources are the Centers for Disease Control, the Food and Drug Administration, and the City's Department of Public Health. To find out more about the Safety of COVID-19 vaccines, visit the Centers for Disease Control website [HERE](#). You can also learn more about the approval process for COVID-19 vaccines at the Food and Drug Administration's website. And, lastly, the Department of Public Health's website contains an extensive Frequently Asked Questions about the COVID-19 vaccine [HERE](#). We also encourage you to talk with a trusted medical professional, like your primary care doctor, about your questions and concerns regarding the COVID-19 vaccine.

### **What should I do if I've lost my vaccination card?**

[HERE](#) are instructions on how to request a copy of your immunization record. You may also call 215-685-5488 or email [covid@phila.gov](mailto:covid@phila.gov).

### **Where can I get vaccinated?**

Vaccination locations are widely available throughout Philadelphia. To find a location most convenient to you, please visit the Department of Public Health's website [HERE](#).

# **EXHIBIT E**



To: All District Attorney Staff  
From: DAO COVID-19 Safety Committee  
Date: August 13, 2021  
Subject: COVID-19 Policy V5.0

**UPDATED MASKING POLICY  
AND UPDATED REPORTING REQUIREMENTS & PROCEDURES REGARDING  
EXHIBITION OF SYMPTOMS, POSITIVE TEST AND POTENTIAL EXPOSURE TO  
COVID-19 V5.0**

UPDATED MASK POLICY:<sup>1</sup>

- FOR VACCINATED EMPLOYEES:
  - Vaccinated employees and visitors to the DAO are required to wear masks in the office.
- FOR UNVACCINATED EMPLOYEES:
  - Unvaccinated employees are required to get vaccinated by September 1<sup>st</sup> and must double-mask until fully vaccinated.
  - Unvaccinated visitors should double-mask while in the office.

**\*\*THIS POLICY IS SUBJECT TO CHANGE WHERE COVID-19 CASE COUNTS WARRANT A CHANGE OR UPDATED CITY/STATE MANDATES WARRANT A CHANGE.\*\***

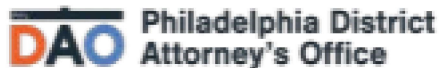
**Guidance for those who are diagnosed with COVID-19 or have symptoms of COVID-19:**

**IF YOU ARE A STAFF MEMBER WHO HAS TESTED POSITIVE FOR COVID-19:**

- Staff who have been diagnosed with COVID-19 should notify the office immediately by emailing the COVID Safety Committee Co-Chairs: Cecilia Madden (Cecilia.madden@phila.gov), Cheryl Yankolonis (cheryl.yankolonis@phila.gov), Eleni Belisonzi (eleni.belisonzi@phila.gov).
- For privacy reasons, the name of any staff member who tests positive for COVID-19 will not be shared unless express permission has been given by the staff member.
- Once you have sent an email notification to the COVID Safety Committee, the DAO will follow City policy on how to respond to positive COVID-19 diagnoses by:
  - Notifying the City's Health Department and Emergency Operations Center (EOC) so the City can keep proper records on positive cases.
  - Having a member of the COVID Safety Committee conduct an investigation to determine your last date in the office, your possible close contacts within the workplace, and recent locations you worked in other than your designated office or cubicle (a key factor when determining close contacts is to identify

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<sup>1</sup> Memo to All City Employees from Chief Administrative Officer Stephanie Tipton, dated August 11, 2021.



- any staff member who has come in close contact with the individual, being within approximately 6 feet of the COVID-19 case for a prolonged period of time - 15 minutes or longer).
  - Notifying the building management company so that appropriate cleaning and disinfection can be scheduled, in accordance with CDC guidelines.
  - Notifying all close contacts that they may have been exposed to a staff member who has tested positive.
  - Notifying the unit of a confirmed coronavirus case within the unit, for transparency purposes – notice will not contain the identity of the staff member unless expressly authorized.
- Staff may return to work from isolation when they meet BOTH of the following criteria<sup>2</sup>:
  - At least 24 hours after resolution of fever (determined once off fever-reducing medications like acetaminophen (Tylenol or ibuprofen) and
  - improvement in respiratory symptoms; and
  - At least 10 days have passed since the symptoms started.
- Loss of taste and smell may persist for weeks or months after recovery and you need not delay the end of isolation.
- Once recovered, you may continue to test positive for COVID-19 for three months or more without being contagious to others. You should only re-test if you develop new symptoms of COVID-19.

**IF YOU ARE A DAO STAFF MEMBER WHO MAY BE SICK WITH COVID-19 SYMPTOMS, BUT HAVE NOT TESTED POSITIVE FOR COVID-19:**

- Any staff member who believes that they may be sick (including with cough, fever, or shortness of breath) **should not come to work.**
- A staff member experiencing mild symptoms should contact their health care provider, who may recommend they seek testing for COVID-19.
- The staff member or supervisor should notify the COVID Safety Committee Co-Chairs so that we may conduct any necessary follow up with close contacts.
- Staff may return to work when they meet BOTH of the following criteria:
  - At least 24 hours after resolution of fever (determined once off fever-reducing medications like acetaminophen (Tylenol) or ibuprofen) and improvement in respiratory symptoms; and
  - At least 10 days have passed since the symptoms started without testing.
- If symptoms occur while at work, the staff member will be isolated and then sent home immediately and they will be advised to seek medical care.

**Guidance for those who have had contact with someone who has been diagnosed with COVID-19:**

<sup>2</sup> "Isolate if you are sick," Centers for Disease Control, <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html> Updated Feb. 18, 2021.



“Close contact” is defined as someone who was within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period (e.g., three 5-minute exposures to an infected individual for a total of 15 minutes) starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to test specimen collection) until the time the infected individual is isolated.

**IF YOU HAVE BEEN IN CLOSE CONTACT WITH SOMEONE WHO HAS COVID-19 EXCLUDING PEOPLE WHO HAVE HAD COVID-19 WITHIN THE PAST 3 MONTHS OR WHO ARE FULLY VACCINATED<sup>2</sup>:**

- Staff may return to work when they meet the following criteria:
  - Quarantine for 10 days (through day 10) without testing **OR**
  - Quarantine for 7 days after receiving a negative COVID test result on day 5 or later since the close contact. **AND**
  - No COVID-19 symptoms.
- After stopping quarantine, staff should:
  - Watch for symptoms until 14 days after exposure.
  - If you have symptoms, immediately self-isolate and contact your healthcare provider.
  - Practice mitigation precautions.

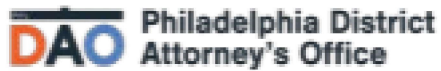
**IF YOU HAVE BEEN IN CLOSE CONTACT WITH SOMEONE WHO HAS COVID-19 AND ARE FULLY VACCINATED OR HAVE HAD COVID-19 WITHIN THE PAST 3 MONTHS:**

- People who have been in close contact with someone who has COVID-19 are not required to quarantine if they have been fully vaccinated against the disease and show no symptoms.
- Fully vaccinated is as follows<sup>3</sup>:
  - Two weeks from the second vaccine dose of Pfizer or Moderna
  - Two weeks after single-dose vaccines (e.g. Johnson & Johnson).
- People who have tested positive for COVID-19 within the past 3 months and recovered do not have to quarantine or get tested again as long as they do not develop new symptoms.
- People who develop symptoms again within 3 months of their first bout of COVID-19 may need to be tested again if there is no other cause identified for their symptoms.

**IF YOU ARE A STAFF MEMBER WHO WAS AROUND A COVID-19 CASE BUT WERE NOT IN CLOSE CONTACT (YOU WERE IN THE SAME INDOOR ENVIRONMENT WITH A COVID-19 CASE, BUT NOT MEETING CRITERIA FOR A CLOSE CONTACT):**

<sup>3</sup>“When to Quarantine,” Center for Disease Control, <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html> Updated March 12, 2021.

<sup>4</sup>“When you’ve been fully Vaccinated,” Center for Disease Control, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html> Updated June 17, 2021.



- Staff members in this circumstance should self-monitor for symptoms for 14 days after your last contact with the COVID-19 case, and quarantine if symptoms develop. You may continue to work your regular schedule, exercising all mitigation practices, such as social distancing, mask wearing, and frequent hand washing, for preventing the spread of COVID-19.

IF YOU ARE A STAFF MEMBER WHO WAS *IN CLOSE CONTACT WITH SOMEONE WHO WAS EXPOSED* TO A COVID-19 INFECTED INDIVIDUAL OR A POSSIBLE CASE:

- You are not required to quarantine unless that person develops symptoms or is diagnosed with COVID-19. You may continue to work your regular schedule, exercising all mitigation practices for preventing the spread of COVID-19.



### **DAO Mandatory Employee COVID-19 Vaccination Policy**

We want to assure you of our continued commitment to maintaining a safe and healthy workplace. As a supplement to the City's policy, the DAO is issuing some additional guidelines regarding the City's requirement that all employees be vaccinated by September 1, 2021.

The DAO's office is setting a higher standard of health and safety due to the nature of our work, which requires many of us to work indoors and to interface with the public on a regular basis in our roles as public servants.

Compliance with this policy is a condition of your continued employment. Please read these guidelines carefully:

- All DAO employees will be required to provide proof of vaccination or apply for an exemption by September 1, 2021.
- Double-masking in lieu of vaccination will be a temporary measure, not an alternative to getting fully vaccinated. It can be applied temporarily in these instances:
  - If you are in the process of getting vaccinated, you may double-mask until you are fully vaccinated (which is two weeks following your second dose of a two-dose vaccine, or two weeks following your dose of a single-dose vaccine).
  - If you have requested an exemption for religious or medical reasons, you may double-mask until you receive a timely response to that request. Exemption requests must be received no later than September 1<sup>st</sup>.
- The DAO will not administer tests for COVID-19 to unvaccinated employees in lieu of vaccination. DAO employees must get vaccinated or have an approved exemption.

### **Continued Applicability of Other Infection Control Policies**

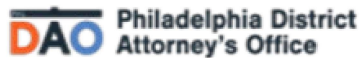
This Mandatory Vaccination Policy is a key part of our overall strategy to maintaining a safe workplace in light of this pandemic. This policy is designed for use together with, and not as a substitute for, other COVID-19 prevention measures, including the City's and FJD's updated mask-wearing policy, our reporting COVID-19 exposure or illness policy, and all other mitigation measures. We need your full cooperation and compliance with this and other health and safety policies to make them effective.

### **Providing Proof of Vaccination**

You must abide by City policy of uploading your CDC-issued vaccination card, or other written proof of vaccination from your vaccine administrator into OnePhilly by **September 1st, 2021**.

You must also complete a mandatory form, for the DAO, by September 1<sup>st</sup>, where you must either:

- Upload your vaccination card or other proof of vaccination to the DAO.
- State that you have dropped off a physical copy of your proof of vaccination with Human Resources at the DAO.
- Indicate that you are in the process of receiving your vaccination and share the date in September by which you will be fully vaccinated.
- Indicate that you are applying for a religious or medical exemption or accommodation.



## How to Request an Exemption or Accommodation

You may apply for an exemption or accommodation from this policy by completing a Request for Exemption from Vaccination Policy Form and returning it to the COVID-19 Safety Committee. The form can be found [HERE](#). Please include all relevant information, including:

- A description of the accommodation or exemption requested.
- The reason for the requested accommodation or exemption.

The DAO reserves the right to request additional documentation supporting the need for an accommodation or request for any other exemption. We will keep confidential any medical information obtained in connection with your request for a reasonable accommodation or other exemption.

## Determinations

The DAO makes determinations about requested accommodations and exemptions on a case-by-case basis considering various factors and based on an individualized assessment in each situation. The DAO strives to make these determinations expeditiously and in a fair and nondiscriminatory manner and will inform you after we make a determination. If you have any questions about an accommodation or exemption request you made, please contact Cecilia Madden, Director of Administration.

## Types of Exemption Requests and Accommodations

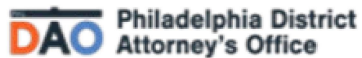
### Religious Exemption or Accommodation

The DAO provides reasonable accommodations, absent undue hardship, to employees with verifiable, sincerely held religious beliefs, observances, or practices that conflict with getting vaccinated. If you believe you need an exemption or accommodation regarding this policy because of your sincerely held religious belief, you are responsible for requesting a reasonable accommodation from the COVID-19 Safety Committee.

### Exemption for Medical Reasons

Exemptions for other medical reasons may be available on a case-by-case basis for conditions such as pregnancy, breastfeeding, history of certain allergic reactions, and any other medical condition that is a contraindication to the COVID-19 vaccine even if they do not qualify as a disability under federal, state, or local law. The DAO will engage in an interactive dialogue with you to determine whether an exemption is appropriate and can be granted without imposing an undue hardship on the DAO or posing a direct threat to you or others in the workplace. Individuals for whom currently available COVID-19 vaccines have not been approved and who therefore are ineligible to receive a COVID-19 vaccine (for example, individuals under a certain age) will be granted an exemption from this policy until they become eligible or until an approved vaccine becomes available for their use. However, the DAO reserves the right to take any necessary and appropriate steps, including imposing alternative COVID-19 prevention measures, to ensure that the individual does not pose a direct threat to the health or safety of others in the workplace.





### Disability Accommodation

The DAO provides reasonable accommodations, absent undue hardship, to qualified individuals with disabilities that enable them to perform their job duties. Reasonable accommodation may include appropriate adjustment or modifications of employer policies, including this Mandatory Vaccination Policy. If you believe you need an accommodation regarding this policy because of a disability, you are responsible for requesting a reasonable accommodation from the co-chairs of the COVID-19 Safety Committee.

### **Interactive Process**

The DAO will engage in an interactive dialogue with you to determine the precise limitations of your ability to comply with this mandatory vaccination policy and explore potential reasonable accommodations that could overcome those limitations. The DAO encourages employees to suggest specific reasonable accommodations. However, the DAO is not required to make the specific accommodation requested and may provide an alternative effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Office or posing a direct threat to you or others in the workplace.

# **EXHIBIT F**

**Request for Religious Exemption from COVID-19 Vaccination**

NAME: \_\_\_\_ Rachel Spivack \_\_\_\_

**APPLICATION TO SUPPORT REQUEST FOR  
RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION**

In order to determine whether your request for a religious exemption from the DAO COVID-19 Vaccination Requirement satisfies legal requirements for a religious exemption, the following additional information must be provided and certified by you as truthful. This information must be provided to Cecilia Madden by 5pm on Wednesday, December 22, 2021, preferably earlier. If you fail to provide this required requested information your exemption request is likely to be denied because there will be incomplete information necessary for the DAO to determine whether your request satisfies legal requirements. If you need additional time to get this information, please contact Cecilia Madden prior to the December 22 deadline. If the requested information does not fit on this form, please attach additional pages as necessary.

**Reminder:** DAO permits employees to select whatever approved COVID-19 vaccine they believe is best for them.

**To Be Completed by Employee:**

- 1. Please describe the specific belief that supports your receiving a religious exemption from being vaccinated for COVID-19. [Please note that each vaccine is manufactured differently and that the DAO does not take a position as to which approved COVID-19 vaccine you take. For example, if there is something about the way that the currently-approved COVID-19 vaccines are manufactured that prevents you from receiving them, please identify what that is for *each* vaccine available.]**

All three available brands of COVID-19 vaccines constitute a profound violation of the scriptural prohibitions against forbidden mixtures, *isur kil'ayim*. I believe that our bodies are the repository of the soul made in God's image. Altering our bodies and defiling our blood by injecting mRNA and recombinant DNA technologies constitute a profound violation of the scriptural prohibitions against forbidden mixtures. Orthodox Jews may not intentionally mingle their own body cells with a foreign, unnatural or genetically-modified substance.

The Moderna and Pfizer COVID-19 vaccines are made with mRNA technology. "The mRNA molecules contain the genetic material that provides instructions for our body on how to make a viral protein that triggers an immune response within our bodies," and "this mRNA from the vaccine is released into the cytoplasm of our cells." <https://www.hackensackmeridianhealth.org/HealthU/2021/01/11/a-simple-breakdown-of-the-ingredients-in-the-covid-vaccines/>

"DNA is the original copy of genetic information, but DNA is not used as the direct source of instructions in the cell. Instead, DNA sends genetic information throughout the cell in the form of messenger ribonucleic acid (mRNA). mRNA is a nucleic acid sequence that is complementary to the template DNA strand, but slightly chemically different. The process by which DNA transfers information to mRNA is called transcription. As such, genes can be turned on and off, and messages sent and delivered throughout the cell, with exact precision. Once mRNA is generated, the information it carries must be converted from one language to another. The mRNA "language" using nucleic acids, or genetic code, is translated to a protein "language" using amino acids." <https://lozierinstitute.org/a-visual-aid-to-viral-infection-and-vaccine-production/>

**Request for Religious Exemption from COVID-19 Vaccination**NAME:     Rachel Spivack    

The Johnson & Johnson COVID-19 vaccine uses recombinant DNA technology. <https://www.fda.gov/media/146305/download> This vaccine takes an adenovirus, alters it by replacing a section of its genes with COVID virus genes, and then puts this altered virus into our human cells. <https://www.mayoclinic.org/johnson-johnson-adenovirus-vaccine-explained/vid-20510091> “Once inside, the adenovirus escapes from the bubble and travels to the nucleus, the chamber where the cell’s DNA is stored.” <https://www.nytimes.com/interactive/2020/health/johnson-johnson-covid-19-vaccine.html> Johnson and Johnson is manufactured using aborted fetal cell lines, specifically the PER.C6 aborted fetal cell lines. <https://www.janssenmd.com/janssen-covid19-vaccine/product-properties/product-technology/advac-and-perc6-technology-of-the-janssen-covid19-vaccine> Johnson & Johnson grows the genetically altered adenovirus through the aborted fetal cell lines and then they harvest the virus, filtering all of that material, leaving you with the vaccine. PER.C6 is from an abortion that took place in 1985. [https://www.health.nd.gov/sites/www/files/documents/COVID%20Vaccine%20Page/COVID-19\\_Vaccine\\_Fetal\\_Cell\\_Handout.pdf](https://www.health.nd.gov/sites/www/files/documents/COVID%20Vaccine%20Page/COVID-19_Vaccine_Fetal_Cell_Handout.pdf)

In Midrash Leviticus Rabbah, we read that the soul is a guest in the body and that care of the body is deemed a commandment by the great sage Hillel the Elder, who cited the idea in the Creation story that God made the human in the divine image. Injecting such forbidden substances directly into our bloodstream completely challenges scriptural teaching that regards one’s body as the repository of the soul made in God’s image. We cannot mix our own human cells with this genetically altered material.

These points are expounded upon in the original letter sent.

2. **Does the belief identified in Question #1 prevent you from receiving other vaccines or just the COVID-19 vaccine?**  
☒ [All Other Vaccines]  
☐ Some But Not All Other Vaccines  
☐ Only the COVID-19 Vaccine
3. **If your belief prevents you from receiving some but not all other vaccines, please identify which vaccines you can receive and which ones you cannot receive and explain the reason for the difference.**
4. **What other vaccines have you received in the past 10 years?**

None.

5. **Have you received a religious exemption for any other vaccine requirements in the past?** ☒ Yes ☐ No

**If yes, please provide additional details, including which vaccine(s) the exemption was for, when you were granted the exemption, the religious belief underlying the exemption request, and the name of your employer at the time.**

## Request for Religious Exemption from COVID-19 Vaccination

NAME: \_\_\_\_Rachel Spivack\_\_\_\_

Which vaccine(s) the exemption was for – I was exempted broadly from complying with the University of Pennsylvania's vaccination requirements. The specific vaccine they were asking for prior to the exemption was the tetanus shot.

When you were granted the exemption - 2018

The religious belief underlying the exemption request - In Judaic law, one is not permitted to defile our bodies by injecting forbidden mixtures into our blood and body. Conventional vaccines contain organic matter, from aborted fetal cells, cows, monkeys and chickens, viruses and bacterium, being injected directly into our sacred blood. This organic matter taints our blood and defiles our soul in the same way that the genetic material from COVID-19 vaccines do.

<http://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/B/excipient-table-2.pdf>

The name of your employer at the time – I was a student at University of Pennsylvania Law School

6. Does your belief that you should not be vaccinated for COVID-19 derive from a recognized religion? X [Yes] ☐ No

If no, please skip to question 7.

If yes, please answer the following questions:

- a. Please provide the name of the religion: Orthodox Judaism
- b. Please indicate when you first began to practice this religion: 2000
- c. Have the religious leaders of your religion taken the position that the COVID-19 vaccine violates the tenets of the religion? X [Yes] ☐ No ☐ Unknown

If yes, who, when and how did they take this position (Please attach copies of any public statements or writings that you are aware of where they stated that getting vaccinated for COVID-19 violates the tenets of your religion?) \*if attached

I have submitted a personal letter written on my behalf from Rabbi Yitzchok Chayempour of Ohr Menachem Chabad.

- d. Have the religious leaders of your religion taken the position that getting the COVID-19 vaccine does not violate the tenets of your religion? X [No] ☐ Unknown

If yes, who, when, and how did they take this position (Please attach copies of any public statements or writings that you are aware of where they stated that getting vaccinated for COVID-19 does not violate the tenets of your religion?)

## Request for Religious Exemption from COVID-19 Vaccination

NAME: \_\_\_\_Rachel Spivack\_\_\_\_

- e. Do you belong to an organization or group affiliated with this religion (e.g., church, mosque, synagogue, other group, etc.)? x ☐ Yes ☐ No

If yes, indicate when you first affiliated with this organization or group:  
2015

If yes, please also provide the following information regarding the organization or group.

**Name:** Congregation Ohr Menachem

**Address:** 778 Middle Neck Rd, Great Neck, NY 11024

**Phone Number:** 516-482-2305

**Website:** magenisraelcenter.com

- f. Do you attend religious services with this organization or group? X [Yes] ☐ No

- g. Does your religious organization have any COVID-19 safety protocols in place?  
X[Yes]

- h. Does your religious organization require proof of vaccination for their leaders or members as a requirement of attending religious services in-person? X [No]  
If yes, please explain.

7. Answered yes to Question #6

8. Are there other aspects of your beliefs stemming from your religion or religious belief/belief system related to receiving medical care?  
x ☐ Yes ☐ No

If Yes, please explain.

- Sterilization is prohibited.
- Vasectomies are prohibited.
- Sperm donations are prohibited.
- Autopsies are prohibited. In Judaic law, it is forbidden to even perform an autopsy on a dead body. We must respect these bodies as temples of God. We cannot cut apart any dead bodies. Scripture prohibits us from disgracing a corpse in such a way.
- Death is considered when there is the cessation of all brain wave activity, not just cessation of breath and heartbeat. Hospice and end of life care are therefore closely regulated by Jewish law.
- Animal testing is required for new drugs and treatments prior to testing on humans.
- Euthanasia is prohibited. Every measure to preserve life must be taken
- One is prohibited from donating their body "to science."

## Request for Religious Exemption from COVID-19 Vaccination

NAME: \_\_\_\_Rachel Spivack\_\_\_\_

9. **Are there any activities relating to your health that you engage in or refrain from related to your religion or religious belief/belief system? (any dietary rules, medical restrictions, etc...).** ☐ [Yes]

**If yes, please describe these activities.**

- I keep strictly kosher, which includes utensils along with all food and drink and medicines.
- I refrain from eating milk and meat together.
- I refrain from eating milk within 6 hours of consuming meat.
- I refrain from eating meat within 1 hour of consuming milk.
- I do not mix fish and meat and rinse my mouth out between consuming them.
- I also hold myself to a higher level than standard kosher which prohibits me from consuming unwatched dairy products (chalav yisrael).
- I avoid taking medications which lack Rabbinic certification or whose ingredients I do not know.
- On various days throughout the year, I do not eat any food or drink any water due to religious fast days.
- On sabbath and holidays, I do not take pain-relieving medications such as Tylenol and aspirin. I only take antibiotics on the sabbath if I have already been taking them at least 3 days prior.
- I avoid any and all medical procedures on sabbath and holidays unless it is immediately life-threatening.
- On yom kippur and tisha b'av we do not apply any ointments or medicinal creams.
- On sabbath I refrain from exercise due to it being considered being medicinal and we refrain from practices that can be considered medicinal on sabbath.
- I do not cut my toenails on the same day. When they are cut, I cut them in a specific order. I flush the cut nails down the drain. I ritually wash my hands after.
- I consult with my rabbi regarding medical care and treatments. It is important to understand that Orthodox Judaism does not have a single central authority. Many decisions related to modern medical treatment and Jewish law require interpretation and extrapolation from ancient sources. As a result, rabbis with different approaches to interpreting rabbinic texts may come to different, but equally valid, rulings about a course of action. One is required to follow the rulings of his or her personal rabbinic authority. This is part of the reason there is variability in some aspects of religious practice within the Orthodox community.
- I dress in accordance with the modesty standards outlined in Jewish law.
- I immerse myself in a ritual bath once a month

10. **Do you have children who attend school?** ☒ [No]

**If yes, please include their ages, the name of the schools or districts, and whether or not their schools require proof COVID-19 vaccination for their teachers, administrative staff or students of eligible age.**

11. **Do you have any additional documentation supporting your application for exemption from the COVID-19 vaccination requirement based on a sincerely held religious belief? Additional documentation may include but is not limited to the following:**

# **EXHIBIT G**



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

RACHEL SPIVAK,

Plaintiff

v.

CITY OF PHILADELPHIA, LAWRENCE S.  
KRASNER,

Defendants

No. 2:22-cv-1438-PD

**Declaration of Michael A. Zaccagni**

1. I am an adult of 18 years or older.
2. My work address is 1401 JFK Blvd. Suite 1530 Philadelphia, PA 19102.
3. I am employed as the Director of Human Resources and Chief Human Resources Officer for the City of Philadelphia (the “City”).
4. In this role, my job duties are to oversee City-wide strategic human resources initiatives and personnel process improvements.
5. On August 11, 2021, the City released a Mandatory Vaccination Plan (the “Policy”) for city employees in order to manage the COVID-19 pandemic. (Attached to City’s Opposition as Exhibit A). In my role as director, I was involved in the development of this policy along with the CAO, Department of Labor and Risk Management.
6. On October 22, 2021, the City released a modified version of the Policy, which modified the Policy and extended the timeframe for employees to become vaccinated against COVID-19. (Attached to City’ Opposition as Exhibit B).

7. The City also provided a Frequently Asked Questions document which explained the City's Policy. (Attached to the City's Opposition as Exhibit D).

8. The Policy only applied to exempt and non-represented employees of the City of Philadelphia.

9. As an independently elected official, each row office could adopt the City's Policy and review process if it chose to adopt the Policy.

10. The District Attorney's Office ("DAO") Vaccine Policy differs from the City Policy.

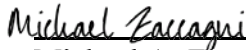
11. Further, the DAO accommodation request form likewise differs from the City accommodation request form.

12. In reviewing with the City Department of Labor, I confirmed that the City did not review Ms. Spivak's request for a religious accommodation, nor was the City involved at any level in the review of Ms. Spivak's request for a religious accommodation.

13. The DAO handled Ms. Spivak's request for an accommodation on its own without input from the City.

14. To the best of my knowledge, the DAO made a determination on its own regarding Ms. Spivak's request for an accommodation without input from the City.

I swear and affirm that the foregoing is true and correct.

DocuSigned by:  
  
625499742E3044FA  
Michael A. Zaccagni

Dated: May 13, 2022